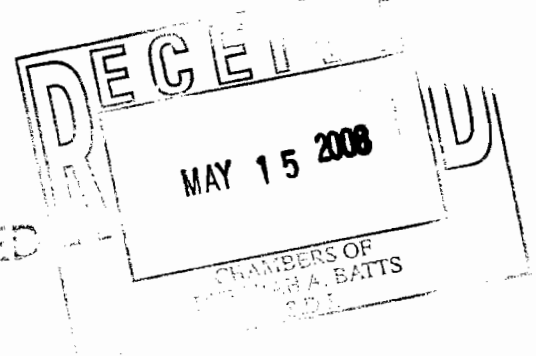
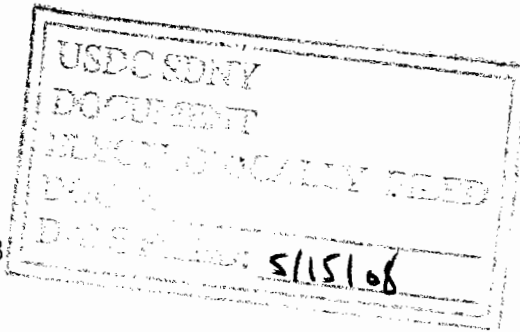




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May 14, 2008



VIA MESSENGER

Honorable Deborah A. Battis
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2510
New York, NY 10007

MEMO ENDORSED

Re: Kramer v. Lockwood Pension Services, Inc., et al., Index No. 08-CV-2429

Dear Judge Battis:

We represent defendant Phoenix Life Insurance Co. ("Phoenix") in the above-referenced lawsuit. We write to advise the Court that Phoenix has consented to the plaintiff's proposed Amended Complaint, which was electronically filed on May 7, 2008, without prior notice to Phoenix. Pursuant to Fed. R. Civ. P. 15(a)(3), Phoenix will respond to the Amended Complaint within ten (10) business days of today's consent (that is, on or before May 29, 2008).

GRANTED
/DAB/

Respectfully,

Christopher G. Karagheuzoff

MEMO ENDORSED

MEMO ENDORSED

cc: Andrew A. Wittenstein, Esq., counsel for Plaintiff (via electronic mail)

Tab K. Rosenfeld, Esq., counsel for Defendants and Cross-Claim Defendants Lockwood Pension Services, Inc. and Tall Tree Advisors, Inc., and Third-Party Defendant Steven Lockwood (via electronic mail)

Stephen Ross Herbert, counsel for Defendant TransAmerica Occidental Life Insurance Co. (via electronic mail)

Katherine Leigh Hersh, Esq., counsel for Defendant Lincoln Life & Annuity Co. of New York (via electronic mail)

SO ORDERED

MEMO ENDORSED

DEBORAH A. BATTS
UNITED STATES DISTRICT JUDGE

5/15/08